

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ANDREI STEPHANOVICH BORGHERIU,

Defendant.

**Case No. 4:22-CR-6040-SAB-1**

**CRIMINAL MINUTES**

**DATE: FEBRUARY 12, 2025**

**LOCATION: RICHLAND, WA**

**JURY TRIAL – DAY THREE**

**CHIEF JUDGE STANLEY A.  
BASTIAN**

Michelle Fox <b>Courtroom Deputy</b>	01 <b>Law Clerk</b>	Emma Garkavi Svetlana Kupriyanova <b>Interpreters</b>	Kimberly Allen <b>Court Reporter</b>
Frieda Zimmerman Jeremy Kelley <b>Government Counsel</b>		Justin Lonergan Nick Mirr <b>Defense Counsel</b>	
<b>United States Probation Officer:</b>			

☒ **Open Court**

☐ **Chambers**

☐ **Telecon/Video**

Defendant present and out of custody of the U.S. Marshal.

8:15 am – 8:30 am: In Chambers meeting with the Court and counsel without the court reporter.

8:30 am – Court reconvenes.

Court addresses counsel.

J. Lonergan addresses the Court regarding additional exhibits to be used.

**[ ] ORDER FORTHCOMING**

<b>CONVENED: 8:15 A.M. 10:30 A.M. 1:15 P.M. 2:30 P.M. 3:35 P.M.</b>	<b>ADJOURNED: 10:15 A.M. 11:45 A.M. 2:20 P.M. 3:25 P.M. 5:05 P.M.</b>	<b>TIME: 2 HRS. 1 HR. 15 MIN. 1 HR. 5 MIN. 55 MIN. 1 HR. 30 MIN. TOTAL: 6 HRS. 45 MIN</b>	
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F. Zimmerman presents argument. They are not admissible and contain hearsay. Do not believe they are relevant. Court addresses counsel that they will be used later in the case so will reserve ruling to allow time for the government to review.

J. Lonergan also indicates there will be exhibits 230, 237, 238 to be used with C. Parker.

J. Kelley should rest this morning after C. Parker.

8:38 am - Jury reconvenes. Court addresses the jury and gives the jury an estimate of the schedule.

**Christian Parker** retakes the stand and remains under oath. Direct continues by J. Kelley.

Exh. 29 shown and offered. Court admits Exh. 29 without objection.

Exh. 27 shown and offered. Court admits Exh. 27 without objection. Exh. 27, Audio recording played.

Direct continues.

Exh. 7 discussed.

J. Lonergan objects to questioning. J. Kelley responds. Court SUSTAINS objection.

9:12 am – J. Lonergan cross examines witness.

Exh. 10 discussed. Exh. 230 shown and offered. Court admits Exh. 230 without objection.

Exh. 237 shown and offered. Court admits Exh. 237 without objection.

Exh. 238 shown and offered. Court admits Exh. 238 without objection.

J. Kelley objects to using the transcript. The audio is the evidence. Court OVERRULES objection.

J. Kelley objects to questioning, not an expert. Court SUSTAINS objection.

J. Kelley objects to questioning. J. Lonergan responds. J. Kelley objects -not relevant. Court will give a little more leeway.

Page 12 of the transcript shown to witness.

J. Kelley objection - foundation. Court SUSTAINS objection, ask questions and not statements.

9:58 am – Redirect by J. Kelley.

Exh. 31, 32, 33, 7 discussed.

Recess: 10:15 am – 10:30 am

J. Kelley makes proffer outside the presence of the jury regarding C. Parker's observations. Court believes cross opened the door. How does counsel want to proceed. J. Kelley outlines the question to be asked.

Court outlines 3 observations by the Court.

J. Lonergan presents argument. It is misleading.

Court indicates that defendant has a right to an interpreter. Court outlines what can be asked.

J. Lonergan responds.

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Court addresses counsel regarding questioning witness. Government has been asking leading questions. Defense, ask the question and not statements.

J. Lonergan asks for clarification on what will be asked regarding interpreter. Court addresses counsel. J. Lonergan indicates there is also 403 issues. Court OVERRULES on those grounds. The door was opened. J. Lonergan makes an objection to any questioning on issue so do not need to do in front of the jury. Court understands the objection.

10:45 am - Jury reconvenes.

**Christian Parker** retakes the stand. Redirect continues by J. Kelley.

Exh. 9, 237, 238, 230, 10, 11, 12 discussed.

No recross.

Witness excused at 11:00 am.

F. Zimmerman asks the Court to read the Stipulation.

Court reads the Stipulation to the jury.

**Government Rests.**

Jury recess: 11:03 am

N. Mirr presents argument on Rule 29 Motion for Counts 1, 2 and 3. Court questions counsel. N. Mirr responds. Court questions counsel. N. Mirr responds. J. Kelley presents argument. Court questions counsel. J. Kelley responds and continues argument. Court questions counsel. J. Kelley responds and continues argument. N. Mirr reply argument.

Court DENIES Motion. Court rules on the Motion.

Court and counsel discuss schedule.

Court speaks to the defendant regarding the right to remain silent or the right to testify. Court asks the defendant if he understands the choices. Defendant indicates he understands. Court asks if he has had time to discuss with counsel. Defendant indicates yes. Defendant will testify.

Schedule discussed. Interpreters are asking for time to get ready to interpret from the witness stand.

Recess: 11:45 am – 1:15 pm

Court reconvenes. Court asks counsel if the exhibits from this morning need to be discussed. J. Lonergan plans to use during testimony. F. Zimmerman will object to relevance, foundation, hearsay. J. Lonergan responds. Court will handle exhibits as they are presented.

1:22 pm – Jury reconvenes.

**Andrei Borgheriu** is sworn in and questioned by J. Lonergan.

F. Zimmerman objects – relevance. J. Lonergan responds. Court addresses counsel. Does not seem relevant but will give some leeway.

F. Zimmerman objects. Court overrules objection.

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Exh. 4 discussed.

F. Zimmerman objects – leading. Court SUSTAINS objection.

Exh. 202 shown to witness.

F. Zimmerman objects - all the answer should be states. Court agrees. The interpreter should finish the answer before counsel asks another question.

Offer Exh. 202. F. Zimmerman objects – foundation. Court SUSTAINS objection. Offer Exh. 202 again. F. Zimmerman objects – foundation. Court admits Exh. 202 over objection.

Recess: 2:20 pm – 2:30 pm

Jury reconvenes.

**Andrei Borgheriu** retakes the stand. Direct continues by J. Lonergan.

Exh. 202 discussed. Exh. 205 shown.

F. Zimmerman objects to question. Court SUSTAINS objection.

Exh. 231 shown and offered. F. Zimmerman objects – foundation. Court does not find Exh. is relevant. Offer Exh. 231. Court – not relevant. Offer Exh. 231. Court – not relevant. Foundation has been laid. The matter can be discussed during break.

3:20 pm – Jury recess.

Court discusses schedule. J. Lonergan estimates 30 minutes. F. Zimmerman estimates 40 minutes.

Court discusses Exh. 231, 232, 233 are same but for different years. What is the relevance. J. Lonergan presents argument on Exhibits. F. Zimmerman presents argument. Court rules. How would they be used? J. Lonergan presents argument. F. Zimmerman responds. J. Lonergan responds. Court rules. Court finds relevance on Exh. 231, 232, 233. J. Lonergan asks to admit the exhibits. F. Zimmerman objects but understands ruling.

Recess: 3:25 pm – 3:35 pm

Jury reconvenes.

Court admits Exh. 231, 232, 233 over objection.

**Andrei Borgheriu** retakes the stand. Direct continues by J. Lonergan.

Exh. 231 discussed.

F. Zimmerman objects – leading. Court SUSTAINS objection.

Exh. 7 discussed.

F. Zimmerman objects to question. Court asks counsel to rephrase.

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3:57 pm – F. Zimmerman cross examines witness.

J. Lonergan objects – misleading. Court asks if the question was misstated. F. Zimmerman misheard Agent Parker.

Exh. 7, 221, 223, 224 discussed.

5:00 pm - Jury excused for the evening to reconvene tomorrow morning at 9:00 am.

Court and counsel discuss schedule.

J. Lonergan believes it has been opened regarding repayments of the loan. F. Zimmerman responds. It is not relevant. Court addresses counsel. Court will review tonight. F. Zimmerman responds. Court addresses counsel. J. Lonergan responds. Court addresses counsel. The government has to prove the wire transfer. F. Zimmerman presents argument. Court addresses counsel. J. Lonergan states the defense did propose a limited instruction on the issue.

Court and counsel will reconvene tomorrow at 8:15 am.